

SAS:gte 02/26/04 5759-67874  
PATENT

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Date of Deposit: February 26, 2004  
Attorney's Matter No. 5759-67874

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** O'Hare et al.

**Application No.** Not yet assigned

**Filed:** Herewith

**Confirmation No.** Not yet assigned

**For:** USES OF TRANSPORT PROTEINS

**Examiner:** Not yet assigned

**Art Unit:** Not yet assigned

**Attorney Reference No.** 5759-67874

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as Express Mail Label No. EV331581564US in an envelope addressed to: MAIL STOP PATENT APPLICATION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Agent  
for Applicant(s)

Date Mailed February 26, 2004

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**INFORMATION DISCLOSURE STATEMENT FOR CONTINUING APPLICATIONS**

Listed on the accompanying form PTO-1449 are several English-language documents. Applicants respectfully request that such documents be listed as references cited on the issued patent.

The present application relies upon U.S. Patent Application No. 09/747,772, which was filed December 20, 2000, for an earlier filing date under 35 U.S.C. § 120. Furthermore, documents listed on the accompanying form PTO-1449 were disclosed to or cited by the Patent Office in the earlier U.S. application. Copies of the documents listed on the accompanying form PTO-1449 that were cited by applicants in the earlier application need not be sent to the Patent Office pursuant to 37 C.F.R. § 1.98. However, applicants will furnish the Patent Office with such copies upon request.

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Please charge any additional fees that may be required in connection with filing this Information Disclosure Statement, or credit any overpayment, to Deposit Account No. 02-4550. A duplicate copy of the transmittal sheet for this Information Disclosure Statement is enclosed.

The filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, prior art or otherwise material to patentability as defined in 37 C.F.R. §1.56.

Respectfully submitted,

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		<b>Attorney Docket Number</b>	5759-67874	
		<b>Application Number</b>	Not yet assigned	
		<b>Filed</b>	Herewith	
		<b>First Named Inventor</b>	O'Hare	
		<b>Art Unit</b>	Not yet assigned	
		<b>Examiner Name</b>	Not yet assigned	
<b>U.S. PATENT DOCUMENTS</b>				
<b>Examiner's Initials*</b>	<b>Cite No. (optional)</b>	<b>Number</b>	<b>Date</b>	<b>Name</b>
		5,747,641	5 May 1998	Frankel et al.
<b>FOREIGN PATENT DOCUMENTS</b>				
<b>Examiner's Initials*</b>	<b>Cite No. (optional)</b>	<b>Number</b>	<b>Date</b>	<b>Country</b>
		WO 97/05265	13 Feb. 1997	WIPO
		WO 98/32866	30 July 1998	WIPO
		WO 98/42742	1 Oct. 1998	WIPO
<b>Examiner's Initials*</b>	<b>Cite No. (optional)</b>	<b>OTHER DOCUMENTS</b>		
		Dalton et al., <i>J. Clin. Oncol.</i> 7:415, 1989		
		Dilber et al.: "Intercellular delivery of thymidine kinase prodrug activating enzyme by the herpes simplex virus protein, VP22" - <i>Gene Therapy</i> , 6(1):12-21, 1999		
		Elliott and O'Hare: "Intercellular Trafficking of VP22-GFP fusion proteins," <i>Gene Therapy</i> , 6, 149-151, 1999.		
		Fernandez et al., <i>Nature Biotech.</i> 16:418, 1998		
		Murphy et al., <i>Gene Therapy</i> 6:4, 1999		
		Orkin et al., "Report and Recommendations of the Panel to Assess the NIH Investment in Research on Gene Therapy," 1995		

<b>EXAMINER SIGNATURE:</b>	<b>DATE CONSIDERED:</b>
* Examiner: Initial if reference considered, whether or not in conformance with MPEP 609. Draw line through cite if not in conformance and not considered. Include copy of this form with next communication to applicant.	